

**House File 86 - Introduced**

HOUSE FILE 86

BY FISHER

**A BILL FOR**

1 An Act relating to voluntary diversity plans under the state's  
2 open enrollment law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256F.4, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 2021, is amended to read as  
3 follows:

4 Meet all applicable federal, state, and local health and  
5 safety requirements and laws prohibiting discrimination on  
6 the basis of race, creed, color, sex, sexual orientation,  
7 gender identity, national origin, religion, ancestry, or  
8 disability. A charter school or innovation zone school ~~shall~~  
9 be located within the boundaries of a school district subject  
10 to any court-ordered desegregation plan in effect for the  
11 school district at the time the charter school or innovation  
12 zone school application is approved shall be subject to the  
13 desegregation order unless otherwise specifically provided for  
14 in the desegregation order.

15 Sec. 2. Section 282.18, subsections 3 and 6, Code 2021, are  
16 amended to read as follows:

17 3. a. The superintendent of a district subject to a  
18 ~~voluntary diversity or court-ordered desegregation plan, as~~  
19 ~~recognized by rule of the state board of education,~~ may deny a  
20 request for transfer under **this section** if the superintendent  
21 finds that enrollment or release of a pupil will adversely  
22 affect the district's implementation of the desegregation  
23 ~~order or diversity plan,~~ unless the transfer is requested  
24 by a pupil whose sibling is already participating in open  
25 enrollment to another district, or unless the request for  
26 transfer is submitted to the district in a timely manner as  
27 required under **subsection 2** prior to implementation of the  
28 ~~adoption of a desegregation plan order~~ by the district. If a  
29 transfer request would facilitate implementation of a voluntary  
30 ~~diversity or court-ordered desegregation plan order,~~ the  
31 district shall give priority to granting the request over other  
32 requests.

33 b. A parent or guardian, whose request has been denied  
34 because of the district's implementation of a the desegregation  
35 ~~order or diversity plan,~~ may appeal the decision of the

1 superintendent to the board of the district in which the  
 2 request was denied. The board may either uphold or overturn  
 3 the superintendent's decision. A decision of the board  
 4 to uphold the denial of the request is subject to appeal  
 5 to the district court in the county in which the primary  
 6 business office of the district is located. ~~The state board  
 7 of education shall adopt rules establishing definitions,  
 8 guidelines, and a review process for school districts that  
 9 adopt voluntary diversity plans. The guidelines shall include  
 10 criteria and standards that school districts must follow  
 11 when developing a voluntary diversity plan. The department  
 12 of education shall provide technical assistance to a school  
 13 district that is seeking to adopt a voluntary diversity plan.  
 14 A school district implementing a voluntary diversity plan prior  
 15 to July 1, 2008, shall have until July 1, 2009, to comply with  
 16 guidelines adopted by the state board pursuant to [this section](#).~~

17 c. The board of directors of a school district subject  
 18 to ~~voluntary diversity or~~ court-ordered desegregation shall  
 19 develop a policy for implementation of open enrollment in  
 20 the district. The policy shall contain objective criteria  
 21 for determining when a request would adversely impact the  
 22 desegregation order ~~or voluntary diversity plan~~ and criteria  
 23 for prioritizing requests that do not have an adverse impact on  
 24 the order ~~or plan~~.

25 6. A request under [this section](#) is for a period of not less  
 26 than one year. If the request is for more than one year and  
 27 the parent or guardian desires to have the pupil enroll in a  
 28 different district, the parent or guardian may petition the  
 29 current receiving district by March 1 of the previous school  
 30 year for permission to enroll the pupil in a different district  
 31 for a period of not less than one year. Upon receipt of such a  
 32 request, the current receiving district board may act on the  
 33 request to transfer to the other school district at the next  
 34 regularly scheduled board meeting after the receipt of the  
 35 request. The new receiving district shall enroll the pupil in

1 ~~a school~~ in the district unless there is insufficient classroom  
 2 space in the district or ~~unless~~ the district is subject to  
 3 court-ordered desegregation and enrollment of the pupil would  
 4 adversely affect the court-ordered or voluntary implementation  
 5 of the desegregation plan of the district order. A denial of  
 6 a request to change district enrollment within the approved  
 7 period is not subject to appeal. However, a pupil who has been  
 8 in attendance in another district under **this section** may return  
 9 to the district of residence and enroll at any time, once the  
 10 parent or guardian has notified the district of residence and  
 11 the receiving district in writing of the decision to enroll the  
 12 pupil in the district of residence.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
 15 the explanation's substance by the members of the general assembly.

16 This bill eliminates implementation of a voluntary diversity  
 17 plan as a reason to deny open enrollment of a pupil.

18 Under current law, a school district subject to a voluntary  
 19 diversity plan or court-ordered desegregation may deny a  
 20 request for open enrollment of a pupil from one district to  
 21 another if the superintendent finds that the enrollment or  
 22 release of the pupil will adversely affect the district's  
 23 implementation of the voluntary diversity plan or court-ordered  
 24 desegregation.

25 The bill further eliminates provisions directing the state  
 26 board of education to adopt rules establishing definitions,  
 27 guidelines, and a review process that school districts must  
 28 follow when adopting a voluntary diversity plan and provisions  
 29 requiring the department of education to provide technical  
 30 assistance to school districts seeking to adopt a voluntary  
 31 diversity plan.

32 The bill makes conforming changes and strikes obsolete  
 33 language.